THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 16-11-2005

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WRIT PETITION No.24430 OF 2005

Between:

R.Laxmipathi . . .Petitioner

And

The Special Deputy Collector (Tribal Welfare), Khammam, and others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.24430 OF 2005

O R D E R:

The Special Deputy Collector (Tribal Welfare), Bhadrachalam, the 1st respondent herein, initiated proceedings in Case No.236/2003/MGR, under the Andhra Pradesh Scheduled Areas Land Transfer Regulation Rules, 1969, in respect of 0-01 gunta of house-site in Survey No.207 of Bandarugudem Village, Manugur Mandal of Khammam District. Through his orders, dated 23-04-2005, the 1st respondent held that the transfer of the said land in favour of the petitioner is illegal. The petitioner claims to have preferred an appeal before the 2nd respondent aggrieved by the order passed by the 1st respondent. It is also his case that he filed an application for grant of stay, pending the appeal. The grievance of the petitioner is that the

2nd respondent did not pass any orders in the stay petition, and in the meanwhile, steps are being taken to dispossess him from the house-site.

Heard the learned counsel for the petitioner and learned Government Pleader for Social Welfare.

The limited grievance of the petitioner is as regards the inaction of the 2nd respondent in passing orders on the stay petition filed by him, along with the appeal preferred against the order, dated 23-04-2005. The sale in favour of the petitioner was set aside, and a direction was issued to the 3rd respondent, to resume possession of the house-site. If the order passed by the 1st respondent

is implemented during the pendency of the appeal before the 2nd respondent, nothing remains to be decided in the appeal.

In that view of the matter, the writ petition is disposed of, directing that pending disposal of the appeal preferred by the petitioner before the 2nd respondent against the order, dated 23-04-2005, passed by the 1st respondent, the petitioner shall not be dispossessed from the premises under his possession. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

16th NOVEMBER, 2005.

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